

## **EXHIBIT #4**

**Dr. Marc Harrison Deposition  
(Medical Examiner)**

**Pages 17, 18, 24 & 25**

Case No. CV085- FHS

Marc Harrison  
October 30, 2012

Aldaba vs. Marshall County  
Case No. 6:12-CV-00085-FHS

Page 17

1 Q And if you're sitting still, like you are right now,  
2 and then you get up and you run around the room 25  
3 times --

4 A Uh-huh.

5 Q -- is your oxygen intake going to increase?

6 A Yes, it should.

7 Q Is your body's need for oxygen going to increase?

8 A Yes.

9 Q Why is that?

10 A Because you're putting a greater demand on your --  
11 your heart and lungs, you're -- you're requiring more  
12 oxygenation to your tissues of your body and your body  
13 will respond by -- by increasing your respiratory rate,  
14 your blood pressure.

15 Q And what happens if your body is not able to absorb  
16 enough oxygen to accommodate the exertion?

17 A Then it will start failing in some way.

18 Q Is that what happened to Mr. Leija?

19 A That is my opinion, yes.

20 Q What were the primary events that caused the exertion  
21 right before his death?

22 A He was in a physical struggle with deputies and a  
23 police officer --

24 Q Okay.

25 A -- and others.

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1 Q So when you say that the cause of death is  
2 respiratory insufficiency due to acute pneumonia --

3 A That's right.

4 Q -- acute pneumonia is not the only factor; is that  
5 right?

6 A What do you mean by "only factor"?

7 Q Well, he didn't die when he came into the hospital at  
8 77 percent oxygen level?

9 A Right.

10 Q He died after -- almost immediately after this  
11 struggle with the police officers. What is the  
12 relationship between that struggle and his time of death?

13 MR. ANDERSON: Object to the form.

14 Q (By Mr. Beaver:) Go ahead and answer.

15 A Okay. The physical exertion was certainly a -- a  
16 player in requiring more oxygenation to his tissues, in my  
17 opinion.

18 Q When you talk about the physical exertion, you mean  
19 the struggle with the police officers that's depicted  
20 partly on the video?

21 A That's correct.

22 Q When we experience physical pain, does that cause our  
23 heart rate to increase?

24 A Yes, it can.

25 Q The greater the physical pain, the more increase in

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1 side --

2 A Correct.

3 Q -- of the spine?

4 A Yes.

5 Q Okay. Thank you, sir.

6 So he's shot with a taser, at least according to the  
7 records and what you found in the autopsy, two different  
8 times?

9 A Apparently two --

10 Q Once --

11 A At least two, yes.

12 Q Once on the front and once on the back; is that  
13 right?

14 A Correct.

15 Q And would -- would you expect that that would  
16 increase his need for oxygen?

17 A It -- it certainly could, yes.

18 Q And then following that, or sort of simultaneously to  
19 that, he's in a struggle against three of the defendants.

20 A Correct.

21 Q Three officers.

22 A He is in a struggle, as I can tell from the video,  
23 with apparently three individuals, yes.

24 Q Would that increase his oxygen, also -- or his need  
25 for oxygen?

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1 A Yes. A struggle can increase your need for oxygen,  
2 yes.

3 Q And with somebody with compromised lungs, with  
4 pneumoniaed lungs, how does that affect his ability to  
5 absorb oxygen when he needs it?

6 A It is going to make it more difficult to -- to  
7 oxygenate your tissues.

8 Q Is that what happened to Mr. Leija?

9 A I -- I believe that the exertion certainly  
10 exacerbated his underlying pneumonia.

11 Q The -- well, what is "positional asphyxiation"? Have  
12 you ever heard that term?

13 A Yes, I have?

14 Q What is "positional asphyxiation"?

15 A "Positional asphyxiation" is a term we use when an  
16 individual is placed in a position where he cannot get an  
17 adequate respiratory -- respiration or he cannot take a --  
18 an adequate breath.

19 Q Okay. What are some of the risk factors for  
20 positional asphyxiation that you can think of today?

21 A Well, certainly any sort of occlusion of his upper  
22 airway, having the neck flexed or having some sort of  
23 weight on the chest or weight on the -- the abdomen or the  
24 belly, so you can't take a full breath. Other things can  
25 certainly be --